

**INTERIM AGREEMENT ON INTERNATIONAL  
CIVIL AVIATION (PICAO)**

The undersigned, on behalf of their respective governments, agree to the following:

**ARTICLE I**

**THE PROVISIONAL ORGANIZATION**

**Section 1**

The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

**Section 2**

The Organization shall consist of an Interim Assembly and an Interim Council, and it shall have its seat in Canada.

**Section 3**

The Organization is established for an interim period which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have agreed upon other arrangements; provided, however, that the interim period shall in no event exceed three years from the coming into force of the present Agreement.

**Section 4**

The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

**ARTICLE II**

**THE INTERIM ASSEMBLY**

**Section 1**

The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary

meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.

All member states shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present.

#### Section 2

The powers and duties of the Assembly shall be to:

1. Elect at each meeting its President and other officers.
2. Elect the member States to be represented on the Council, as provided in Article III, Section 1.
3. Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council.
4. Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable.
5. Approve an annual budget and determine the financial arrangements of the Organization.
6. At its discretion, refer to the Council any specific matter for its consideration and report.
7. Delegate to the Council all the powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly.
8. Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

### ARTICLE III

#### THE INTERIM COUNCIL

##### Section 1

The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not

otherwise included which make the largest contribution to the provision of facilities for international civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented. Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

#### Section 2

No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

#### Section 3

The Council shall elect, and determine the emoluments of, a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The President shall convene, and preside at, the meetings of the Council; he shall act as the Council's representative; and he shall carry out such functions on behalf of the Council as may be assigned to him.

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

#### Section 4

Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote; provided that, in any case in which there is a dispute between one or more member States who are not members of the Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

#### Section 5

The powers and duties of the Council shall be to:

1. Carry out the directives of the Assembly.

2. Determine its own organization and rules of procedure.
3. Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.
4. Appoint a Secretary General.
5. Provide for the establishment of any subsidiary working groups which may be considered desirable among which there shall be the following interim committees:
  - a. A Committee on Air Transport,
  - b. A Committee on Air Navigation, and
  - c. A Committee on International Convention on Civil Aviation.

If a member State so desires, it shall have the right to appoint a representative on any such interim committee or working group.

6. Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.
7. Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization.

#### Section 6

In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to:

1. Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.
2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.
3. Supervise and coordinate the work of:
  - a. The Committee on Air Transport, whose functions shall be to:
    - (1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.
    - (2) Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.

- (3) Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.
- (4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

b. The Committee on Air Navigation, whose functions shall be to:

- (1) Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and system of dimensioning and specification of dimensions used in connection with international air navigation.
- (2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.
- (3) Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

c. The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

4. Receive and consider the reports of the committees and working groups.

5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

7. Submit an annual report to the Assembly.

8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.

9. On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.

#### ARTICLE IV

##### THE SECRETARY GENERAL

The Secretary General shall be the chief executive and administrative officer of the Organization. The Secretary General shall be responsible to the Council as a whole and, following established policies of the Council, shall have full power and authority to carry out the duties assigned to him by the Council. The Secretary General shall make periodic reports to the Council covering the progress of the Secretariat's activities. The Secretary General shall appoint the staff of the Secretariat. He shall likewise appoint the secretariat and staff necessary to the functioning of the Assembly, of the Council, and of Committees or such working groups as are mentioned in the present Agreement or may be constituted pursuant thereto.

#### ARTICLE V

##### FINANCES

Each member State shall bear the expenses of its own delegation to the Assembly and the salary, travel and other expenses of its own delegate on the Council and of its representatives on committees or subsidiary working groups.

The expenses of the organization shall be borne by the member States in proportions to be decided by the Assembly. Funds shall be advanced by each member State to cover the initial expenses of the Organization.

The Assembly may suspend the voting power of any member State that fails to discharge, within a reasonable period, its financial obligations to the Organization.

## ARTICLE VI

### SPECIAL DUTIES

The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreements.

## ARTICLE VII

### TRANSFER OF FUNCTIONS, RECORDS, AND PROPERTY

The exercise of any functions which shall have been herein assigned to the Provisional Organization shall cease at any time that those particular functions have been completed or transferred to another international organization. At the time of the coming into force of the Convention on International Civil Aviation signed at Chicago, December 7, 1944, the records and property of the Provisional Organization shall be transferred to the International Civil Aviation Organization established under the above-mentioned Convention.

## ARTICLE VIII

### FLIGHT OVER TERRITORY OF MEMBER STATES

#### Section 1

The member States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

#### Section 2

For the purposes of this Agreement the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

## Section 3

This Agreement shall be applicable only to civil aircraft, and shall not be applicable to state aircraft. Aircraft used in military, customs and police services shall be deemed to be state aircraft.

## Section 4

Except in a case where, under the terms of an agreement or of a special authorization, aircraft are permitted to cross the territory of a member State without landing, every aircraft which enters the territory of a member State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a member State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the Provisional International Civil Aviation Organization for communication to all other member States.

## Section 5

Subject to the provisions of this Agreement, the laws and regulations of a member State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all member States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

## Section 6

Each member State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever it may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each member State undertakes to insure the prosecution of all persons violating the regulations applicable.

## Section 7

The laws and regulations of a member State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers,

crew or cargo upon entrance into or departure from, or while within the territory of that State.

#### Section 8

The member States agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, and plague, and such other communicable diseases as the member States shall from time to time decide to designate, and to that end member States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the member States may be parties.

#### Section 9

Each member State may, subject to the provisions of this Agreement,

1. Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

2. Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

*Provided that*, Upon representation by an interested member State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned.

#### Section 10

The appropriate authorities of each of the member States shall have the right, without unreasonable delay, to search aircraft of the other member States on landing or departure, and to inspect the certificates and other documents prescribed by this Agreement.

### ARTICLE IX

#### MEASURES TO FACILITATE AIR NAVIGATION

##### Section 1

Each member State undertakes, so far as it may find practicable, to make available such radio facilities, such meteorolo-

logical services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this Agreement.

#### Section 2

Each member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to the control of its own authorities, the owners or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

#### Section 3

In the event of an accident to an aircraft of a member State occurring in the territory of another member State, and involving death or serious injury, or indicating serious technical defect, in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

### ARTICLE X

#### CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

##### Section 1

Every aircraft of a member State, engaged in international navigation, shall carry the following documents:

- (a) Its certificate of registration.
- (b) Its certificate of airworthiness.
- (c) The appropriate licenses for each member of the crew.
- (d) Its journey log book.
- (e) If it is equipped with radio apparatus, the aircraft radio station license.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

##### Section 2

(a) Aircraft of each member State may, in or over the territory of other member States, carry radio transmitting

apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the member State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

### Section 3

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

### Section 4

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each member State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another member State.

### Section 5

Subject to the provisions of Section 4 (b), certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the member State in which the aircraft is registered, shall be recognized as valid by the other member State.

### Section 6

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and each journey.

### Section 7

Each member State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

## ARTICLE XI

## AIRPORTS AND AIR NAVIGATION FACILITIES

Where a member State desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for the provision of such assistance so far as may be practicable in accordance with the provisions of Chapter XV of the Convention on International Civil Aviation signed at Chicago, December 7, 1944.

## ARTICLE XII

## JOINT OPERATING ORGANIZATIONS AND ARRANGEMENTS

## Section 1

Nothing in this Agreement shall prevent two or more member States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Agreement, including those relating to the registration of agreements with the Council.

## Section 2

The Council may suggest to member States concerned that they form joint organizations to operate air services on any routes or in any regions.

## Section 3

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be State-owned or partly State-owned or privately owned.

## ARTICLE XIII

## UNDERTAKINGS OF MEMBER STATES

## Section 1

Each member State undertakes to transmit to the Council copies of all existing and future contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State, or any airline of a member State is a party, as described in Article III, Section 6, Subsection 2.

## Section 2

Each member State undertakes to require its international airlines to file with the Council, in accordance with requirements laid down by the Council, traffic reports, cost statistics, and financial statements as described in Article III, section 6, Subsection 3, *a* (1) and (2), showing, among other things, all receipts and the sources thereof.

## Section 3

The member States undertake, with respect to the matters set forth in Article III, section 6, Subsection 3, *b* (1), to apply, as rapidly as possible, in their national civil aviation practices, the general recommendations of the International Civil Aviation Conference, convened in Chicago, November 1, 1944, and such recommendations as will be made through the continuing study of the Council.

## ARTICLE XIV

## WITHDRAWAL

Any member State, a party to the present Agreement, may withdraw therefrom on six months' notice given by it to the Secretary General, who shall at once inform all the member States of the Organization of such notice of withdrawal.

## ARTICLE XV

## DEFINITIONS

For the purpose of this Agreement the expression:

(a) "Air Service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the airspace over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

## ARTICLE XVI

## ELECTION OF FIRST INTERIM COUNCIL

The first Interim Council shall be composed of the States elected for that purpose by the International Civil Aviation Conference convened in Chicago on November 1, 1944, provided

that no State thus elected shall become a member of the Council until it has accepted the present Agreement and unless such acceptance has taken place within six months after December 7, 1944. In no case shall the term of office of a State as a member of the first Interim Council begin before or go beyond the period of two years, starting from the coming into force of the Present Agreement.

Each State so elected to the Interim Council shall take its seat in the Council upon acceptance by that State of this Agreement or upon the entry into force of this Agreement, whichever is the later date, and it shall hold its seat until the end of the two years following the coming into force of this Agreement: *Provided*, that any State so elected to the Council which does not accept this Agreement within six months after the above-mentioned election shall not become a member of the Council and the seat shall remain vacant until the next meeting of the Assembly.

## ARTICLE XVII

### SIGNATURES AND ACCEPTANCES OF AGREEMENT

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to the present Interim Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State, a member of the United Nations and any State associated with them, as well as any State which remained neutral during the present world conflict, not a signatory to this Agreement, may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

The present Interim Agreement shall come into force when it has been accepted by twenty-six States. Thereafter it will become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government.

The Government of the United States shall inform all governments represented at the International Civil Aviation Conference referred to of the date on which the present Interim Agreement comes into force and shall likewise notify them of all acceptances of the Agreement.

IN WITNESS WHEREOF, the undersigned, having been duly authorized sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the states which may sign and accept this Agreement.

(This document was opened for signature at Chicago on December 7 and, by February 28, 1945, had been signed by representatives of the following countries:

|  |                         |                           |
|--|-------------------------|---------------------------|
| Afghanistan  | Haiti                   | Poland                    |
| Australia (subject to confirmation by the Australian Government) | Honduras                | Portugal                  |
| Bolivia  | Iceland                 | Spain                     |
| Canada   | India                   | Sweden                    |
| Chile  | Iran                    | Switzerland               |
| China  | Iraq                    | Syria                     |
| Dominican Republic   | Ireland                 | Turkey                    |
| Ecuador  | Lebanon                 | United Kingdom            |
| Egypt  | Liberia                 | United States             |
| France   | Mexico                  | Uruguay                   |
| Greece   | Netherlands             | Venezuela (ad referendum) |
| Guatemala  | New Zealand             | The Danish Minister       |
|  | Nicaragua               |                           |
|  | Norway                  |                           |
|  | Peru                    | The Thai Minister         |
|  | Philippine Commonwealth |                           |

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[Formulated by the International Civil Aviation Conference at Chicago from November 1 to December 7, 1944.]